IN THE HIGH OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 975(S/S)2007

Smt. Uma Tewari W/o Sri K..C. Tewari,
Assistant Teacher, Primary School, Sunola,
Hawalbagh, District Almora. ---Petitioner.

Vs.

1. State of Uttarakhand through Principal Secretary (Education) Govt. of Uttarakhand, Dehradun.
2. Director, Vidhyalayi Shiksha, Uttarakhand, Mayur Vihar, Dehradun.
3. District Education Officer, Almora, District Almora,
4. Addl. District Education Officer (Basic) Almora.
5. Headmistress/ Principal, Primary School, Hawalbagh, Almora. ----Respondents.

Sri M.C. Kandpal, Sr. Adv. assisted by Sri. S.S. Chaudhary, learned Counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Kandpal, learned Sr. Adv. assisted by Sri S.S. Chaudhary, learned Counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 16.06.2007 (annexure no. 4 so far it related to the petitioner) passed by the respondent no. 4, by which the petitioner, who is working as Assistant Teacher at Primary School, Sunola, Hawalbagh, district Almora has been transferred to Primary School, Kangari, Block-Dhauladevi district Almora on the ground that the Teachers working at Primary School, Sunola are above than the standard prescribed by the Govt.

The grounds of assailing the order impugned, advanced by the learned counsel for the petitioner are that as per the

policy adopted by the State Govt., the teachers who have completed 55 years' of their age; options may be asked from such teachers while transferring them. However without following guidelines, the petitioner who has already attained 55 years' of her age, at the fag end of her retirement, has been transferred on the pretext that she is surplus in this School. It is denied that the petitioner has become surplus in the present Institution. Moreover, the petitioner has been transferred to give undue advantage to Smt. Sunita Joshi as she was transferred earlier from the post of Assistant Teacher of the Institution but the same transfer order was cancelled. Lastly the petitioner is suffering from arthritis.

In this regard, the petitioner, raising all her grievances has already moved representation on 23.06.2007 (annexure no.3 to the writ petition) before respondent no. 3 i.e. District Education Officer (Basic), Almora, which is still pending before him.

In these circumstances without entering into the merits of the case, I deem it fit and proper to direct the respondent no.3 to take decision on the representation of the petitioner (annexure no.3 to the writ petition) within a period of two weeks from the date of production of a certified copy of this order before respondent no. 3. The petitioner shall produce a certified copy of this order before respondent no.3, within a period of 10 days from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 27, 2007:
NCM: